
TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

**Administrative Rules Oversight Committee Notice
60 Day Requirement ([IC 4-22-2-19](#))
LSA Document #07-471**

August 30, 2007

Honorable Scott Pelath
Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Allen Morford

Re: Rule pursuant to [IC 8-23-20-25.5](#)

Dear Representative Pelath:

Pursuant to [IC 4-22-2-19](#), if applicable, the Indiana Department of Transportation (INDOT) provides notice that it did not formally begin the rulemaking process for its changeable message sign rule within sixty (60) days after the effective date of the statute that authorizes the rule. INDOT began holding preliminary planning meetings to discuss the composition of its rule before the authorizing statute became effective on April 25, 2007. INDOT published its Notice of Intent to promulgate the proposed rule in the Indiana Register on August 1, 2007. As a result, INDOT formally began the rulemaking process after the sixty day period provided for in [IC 4-22-2-19](#).

[IC 8-23-20-25.5](#) provides that the department may adopt rules under [IC 4-22-2](#) that provide for the issuance of a permit for a changeable message sign. This section took effect upon passage, which occurred with Governor Daniels' signature on April 25, 2007.

INDOT became aware of the proposed bill on changeable message signs in May and began considering promulgation of a rule immediately; however, INDOT did not expect the effective date of the statute to be upon passage. The department's Legal Division and Permits Section held a series of planning meetings starting in May and lasting until late July, whereby the rule was constructed, along with the accompanying impact statements. Once INDOT had prepared a first draft of the rule, INDOT consulted with the outdoor advertising industry to get its feedback on the rule because of the new technology involved. INDOT planned a meeting for June 25, 2007, with the industry but due to scheduling conflicts, INDOT had to reschedule it for July 11, 2007. INDOT wanted to ensure that the rule would be practical for the industry while at the same time promoting public safety.

If you have any further concerns or require additional information, please contact me at 317-234-2918 or gpaul@indot.in.gov. Thank you for your consideration.

Sincerely,

Gabe Paul
Staff Attorney, INDOT

Posted: 10/24/2007 by Legislative Services Agency
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